IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO. 3637 of 1997

Between:

Valluru Sreenivasa Rao S/o. Kotayya
R/o. D.No. 1-3-183/40/98, Gandhinagar,
Hyderabad.

..... PETITIONER

AND

1 The State Bank of India,
Main Branch, Near Old Post Office,
Visakhapatnam.
2 The Divisional Manager, New India Assurance Co., Ltd.,
Divisional Office, Sri Complex, Kakinada 533 001,
East Godavari Dist.
3 The Registrar, rep. Debts Recovery Tribunal (A.P. & Karnataka)
Krishi Bhavan, Hudson Circle,
Bangalore-2, Karnataka.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ, order or direction, more in the nature of Writ of Mandamus declaring that the impugned repudiation letters dt. 9.7.1996 and 13.8.1996 are illegal, contrary to the provisions of the Marine Insurance Act, 1963, arbitrary and violation of principles of natural justice and consequently directing the Respondent No.2 Insurance Company to communicate the copy of the exparte surveyor's report to the petitioner and further directing the Respondent No.1 Bank to discharge its legal and equitable obligations and for failure to do so the Respondent No.1 Bank is not entitled to proceed against the petitioner by filing O.A. 678/96 on the file of the Debts Recovery Tribunal, Bangalore, until it pursues the Respondent No.2 Insurance Company in realising the insurance proceeds of Rs. 9,16,000/- in terms of Sec. 16 of

the Marine Insurance Act, 1963, for applying the same to the account of the petitioner.

Counsel for the Petitioner:MR.M.VENKATA RAMANA REDDY

Counsel for the Respondent No.1: MR.A.H.RAMA KRISHNA RAO

Counsel for the Respondent Nos. 2 and 3:None appeared.

The Court made the following Order:

Sri M.Venkata Ramana Reddy, counsel representing the writ petitioner intends to withdraw the writ petition.

Permission is accorded.

The writ petition is hereby dismissed as withdrawn. No order as to costs.

28.01.2005

usd

To

1 The State Bank of India,
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Visakhapatnam.
2 The Divisional Manager, New India Assurance Co., Ltd.,
Divisional Office, Sri Complex, Kakinada 533 001,
East Godavari Dist.
3 The Registrar, Debts Recovery Tribunal (A.P. & Karnataka)

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